

**WILLIAMSBURG CITY COUNCIL  
OCTOBER 9, 2003  
MINUTES**

The Williamsburg City Council held its regular monthly meeting on October 9, 2003 at 2:00 p.m., in the Council Chambers of the Stryker Building.

**ATTENDANCE**

Present were Ms. Zeidler, Messrs. Haulman, Houghland, Scruggs, and Tabb. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Staff Attending: Department Heads Weiler, Yost, Clayton, Nester, Hudson, Serra, Walentisch, and Assistant City Manager Miller.

**CALL TO ORDER**

Mayor Zeidler called the meeting to order.

**COUNCIL MINUTES**

*Mr. Haulman Moved Approval of the City Council Minutes of September 8, September 11, and September 17, 2003. The Motion Was Seconded by Mr. Tabb.*

Mr. Houghland stated that he was not present at the September 8, 2003 meeting and would recuse himself from voting on those minutes.

*Recorded Vote on the Motion:*

*Aye: Haulman, Scruggs, Zeidler, Houghland (recused from the September 8, 2003 Minutes) Tabb*

*No: None*

**SPECIAL PRIVILEGE**

Mayor Zeidler introduced **Mr. Mark Day**, a sophomore at the College of William and Mary.

Mr. Day read his statement (see attached) to Council regarding the city, College and Colonial Williamsburg being linked, and that it was critical for the three entities to work together in order to sustain mutual viability. He suggested that they collaborate in the form of a "Williamsburg Roundtable" discussion to include student involvement. Students are important members of our community. The roundtable would provide an efficient means of decision making by strengthening existing ties through discussion that includes student input.

Mayor Zeidler thanked Mr. Day for sharing his thoughts about student involvement. She asked that he inventory some of the ways that students are involved for the city's information. Council members appreciated Mr. Day's comments. Mr. Scruggs suggested that Mr. Day attend the Neighborhood Council meetings. The Mayor suggested that students make the effort to get to know their neighbors when they reside in city neighborhoods.

Mr. Day said that Lane Robinson has been assigned as the Student Government Association liaison to the city. He noted that college students assisted during the hurricane recovery period.

**Major Doug Davis to be Chief of Police in Waynesboro, VA**

Chief Yost announced that Major Davis has been hired as the Chief of Police in Waynesboro, VA. Chief Yost recognized the Major's service to the City of Williamsburg and presented him with a set of "eagles" for the Major's collar.

Major Davis said he would take a part of Williamsburg with him to Waynesboro. He has been with Williamsburg for 26 years.

Mayor Zeidler said this was bittersweet news, but it was great to see the Major achieve his goal.

**REPORTS**

**Monthly Financial Statement**

*The Monthly Financial Report was received and ordered filed.*

**Monthly Departmental Operating Reports**

*The Monthly Departmental Operating Reports were received and ordered filed.*

**City Manager Reports**

**Courthouse Maintenance Funds, *Proposed Resolution #03-18***

Reference for this item was Mr. Tuttle's report dated October 2, 2003, which included a copy of the proposed resolution and supporting documentation. Mr. Tuttle explained that the Courthouse Maintenance Fund is to be used for the construction, renovation, or maintenance of the courthouse or jail or related facilities, and currently carries a balance of \$167,316.67. Staff members from James City County and the city have developed a plan for a bioretention Stormwater BMP facility behind the courthouse and are requesting up to \$30,000 for the project. A similar resolution approving use of the funds was recently approved by the County's Board of Supervisors. In addition, a \$25,000 grant from the National Fish and Wildlife Foundation was received by the County for this project.

Mr. Tuttle said that Courthouse Superintendent Ward Ratcliffe is requesting an additional \$10,000 for repairs to the Courthouse roof (not hurricane related) for a total request of \$40,000. He recommended approval of the request and adoption of the proposed resolution.

Council members discussed the roof repair and questioned the warranty. Mr. Tuttle confirmed that the BMP might serve other sites as well as the Courthouse.

*Mr. Tabb Moved That City Council Approve Proposed Resolution #03-18, Appropriating Up to \$30,000 for Construction of a Bioretention Basin, and \$10,000 for Roof Repairs at the Joint Courthouse, for a total of \$40,000 from the Courthouse Maintenance Fund. The Motion Was Seconded by Mr. Haulman.*

*Recorded Vote on the Motion:*

*Ayes: Haulman, Scruggs, Zeidler, Houghland, Tabb*

*No: None*

*(SEE ATTACHED ADOPTED RESOLUTION #03-18)*

**Refinancing of General Obligation Note Series 2002, Parking Garage, *Proposed Resolution # 03-17***

Reference for this item was Mr. Tuttle's report dated October 2, 2003, which included a copy of the proposed resolution and corresponding attachments. Mr. Tuttle said at the September Council meeting, Council authorized the city's financial advisors to solicit proposals for Bank Qualified refinancing of up to \$4,500,000 of the Series 2002 note used for partial financing for construction of the Prince George Parking Garage.

Mr. Serra reported that bids were solicited to 17 banking institutions, with three being received as firm bids. SunTrust Bank provided the lowest annual interest rate for a two-year period, reducing the former note rate of 2.44% to 1.63% for a savings of \$36,450 each year. The refinanced note will be due October 2005. Mr. Serra and Mr. Tuttle recommended that Council approve Resolution #03-17 for the Refinancing of General Obligation Note, Series 2002.

City Council members were pleased with the refinancing rate and with the work of staff on this matter. Mr. Serra responded to Mr. Houghland that Davenport (the city's financial advisor) would bill up to \$1,500 for administrative costs.

*Mr. Houghland Moved That City Council Approve Proposed Resolution #03-17, Authorizing the Issuance of Not to Exceed \$4,500,000 General Obligation Refunding Notes of the City of Williamsburg, Virginia, Series 2003, and Providing for the Form and Details Thereof, and That the City Manager is Authorized to Finalize the Necessary Documentation and Close the Transaction with SunTrust Bank.*

*Recorded Vote on the Motion:*

*Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb*

*No: None* (SEE ATTACHED ADOPTED RESOLUTION #03-17)

**Legislative Agenda for 2004, *Proposed Resolution #03-20***

Reference for this item was Mr. Tuttle's report dated October 2, 2003, which included a copy of the proposed resolution.

Ms. Miller explained that the twelve Legislative Priorities have been reorganized into three categories: Statewide Fiscal Priorities, Regional Priorities, and Local Priorities. She reviewed the priorities listed in each category. Council may choose to either adopt the Legislative Agenda today or discuss it further and adopt in November.

Discussion followed.

Mayor Zeidler suggested that the city's position on the items regarding rail, BRAC, transportation, 2007, and education, be brought to the attention of our congressman and senators. Mr. Tuttle and Council members discussed the best way to word the items regarding Standards of Learning, transportation, and joint functions.

Council members and Mr. Phillips discussed the best way to handle the item regarding special assessment or special taxing districts. Mr. Phillips suggested it might best be delivered in the form of a charter amendment, which would be specific to the city. It would require a public hearing at the November meeting in order to get it to the General Assembly

in time for consideration. He noted that the State Code allows the city to impose special taxes, but requires an agreement between the locality and property owner.

Mr. Haulman noted that VML would recommend the funding of the JLARC priorities, tiers one through three.

Mr. Scruggs recommended the word “urge” be used in the item concerning increased funding for tourism. He suggested the Legislative Agenda be deferred until November and that it be posted on the city’s website in order for citizens to review it and talk to their legislators.

Ms. Miller will mark the agenda “draft” and post it on the city’s website.

Mr. Haulman was of the opinion that the charter change on the assessment districts for Williamsburg was the best choice of action to take. Mr. Phillips explained the current law, which requires an agreement between the locality and property owners, and how costs are allocated. He recommended the charter amendment process. Mr. Tuttle added that under the current law, one hundred percent of property owners must agree to a proposed project. The city would like to change that to seventy-five percent.

*Mr. Houghland Moved That City Council Request the City Attorney Prepare the Charter Change to Request the General Assembly to Allow A Special Taxing District for Underground Wiring With Seventy-Five Percent of Property Owner Participation and that the Public Hearing be Advertised for the November 13 City Council Meeting. The Motion Was Seconded by Mr. Scruggs.*

*Recorded Vote on the Motion:*

*Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb*

*No: None*

Mr. Houghland suggested to Ms. Miller that a cover letter be prepared highlighting the main priorities on the city’s Legislative Agenda for submittal to our representatives.

*Mr. Scruggs Moved That City Council Defer Action on Proposed Resolution #03-20, Legislative Agenda for 2004, Until the November 13 City Council Meeting. The Motion Was Seconded by Mr. Houghland.*

*Recorded Vote on the Motion:*

*Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb*

*No: None*

### **Implementation of the Public-Private Education Facilities and Infrastructure Act (PPEA) of 2002, Proposed Resolution #03-19**

Reference for this item was Mr. Tuttle’s report dated October 2, 2003, which included a copy of the proposed Resolution. Mr. Tuttle explained that the 2002 Virginia General Assembly passed the Public-Private Educational Facilities and Infrastructure Act of 2002 (PPEA), which was modeled after Virginia’s Public-Private Transportation Act of 1995 (PPTA). As an alternative to traditional procurement and financing methods, the PPEA extends the potential benefits of public-private partnerships to local government and education. There are no particular projects in mind to be constructed now, but it is good

to have this option in place. It is a design/build approach, not a design/bid approval approach. He explained the types of projects this could be used for. In order to use the PPEA approach, City Council must adopt procedures for receiving and evaluating submitted proposals. The proposed city procedures are based upon the model procedures developed by a State committee.

Mr. Phillips noted that the School Board could adopt the same procedure, which would allow the school system to deal directly with a builder/developer and not be hindered by the requirement that they use the lowest bidder. Under the Act, proposals could be directly submitted for consideration. Mr. Haulman clarified and emphasized that this action has nothing to do with the funding of projects. It simply gives the city another option and he recommended adoption.

*Mr. Haulman Moved That City Council Adopt Proposed Resolution #03-19, Adoption of Procedures for Implementation of the Public-Private Education Facilities and Infrastructure Act of 2002. The Motion Was Seconded by Mr. Houghland.*

*Recorded Vote on the Motion:*

*Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb*

*No: None*

(SEE ATTACHED ADOPTED RESOLUTION #03-19)

### **Report of Hurricane Isabel Response and Recovery in the City**

Mr. Tuttle reported that 75 suggestions had been received from city departments regarding follow-up to the hurricane. He reported on "Lessons Learned Issues: Emergency Generation, Communication System, Prepositioned Supplies, EOC Operations, Public Information, Human Services, Sheltering, and Damage Assessment. The next step will be to refine the list to see what changes must be made for long term planning. He asked Mr. Clayton and Major Davis to update Council.

Mr. Clayton reported on the removal of debris from city streets. The debris is being stockpiled at the Quarterpath Recreation Center and is enough to fill three floors of the new parking garage. City crews have done an excellent job of clean up and FEMA was pleased with the progress that the city has made.

Major Doug Davis reported on the electrical power grid system. He explained to Council how the electricity comes from the Waller Substation, and then connects to the Williamsburg Substation and Carroll Substation. He detailed just how and why the city's electrical sources were supplied to sections of the city.

Mayor Zeidler said that many people have commented about the service provided by city employees during this event. Al Brenick, Superintendent of Landscape Department was complimented for his work on debris removal; the Emergency Operations Center personnel did a great job, as did Human Services staff. The Mayor recognized that a larger EOC was needed.

Council members and Mr. Tuttle discussed the need for a better communication system to reach the public during emergency situations. It was suggested that the Neighborhood Watch system be utilized to keep citizens informed, and also, that either a brochure, card, or magnet sign be designed and distributed with important emergency numbers. Council and Mr. Tuttle discussed a low-powered FM radio station to broadcast local information.

Members heard the suggestion that a city shelter be established, especially because of our ageing population. Critical areas should be identified for future underground wiring.

Mr. Houghland applauded city employees for their work. He asked that the City Manager find a way to show the city's appreciation. Council members echoed Mr. Houghland's comments.

### **City Attorney Report**

#### **City Council Compensation, *Proposed Ordinance #03-31***

Reference for this item was Mr. Tuttle's report dated October 1, 2003, which included a copy of the proposed ordinance. Mr. Tuttle said that at last month's meeting, Council voted to direct the City Attorney to prepare an ordinance to increase Council compensation to meet the maximum allowed by State Code. If adopted, the ordinance would not take effect until July 1, 2004, following the next City Council election.

Council members discussed the proposed increase in salary, which would increase the Mayor's salary from \$9,600 to \$11,500, and Council members salaries from \$7,200 to \$11,000. The Mayor and Mr. Haulman suggested that the compensation for School Board members be increased, because of the many hours they put in.

Mayor Zeidler asked Mr. Phillips to research the salary of the joint School Board members for James City County and Williamsburg, and report back to Council.

*Mr. Houghland Moved That City Council Adopt Proposed Ordinance #03-31, An Ordinance to Amend Section 2-32 of Article II, Chapter 2, of the Code of Williamsburg to Increase the Compensation Payable to the Mayor and Other Members of Williamsburg City Council, Starting July 1, 2004. The Motion Was Seconded by Mr. Tabb.*

Mr. Houghland supported the increase because the Mayor and Council were devoting more and more time to Council matters. He suggested Council members share some of the Mayor's responsibilities and noted that members serve on many committees. While no one regrets the time they spend on city business, this is a modest increase and this is a propitious time to do it. Mr. Tabb concurred as well as Mr. Scruggs. Mr. Scruggs was of the opinion that an increase would allow the workingman or woman to serve.

Mr. Haulman said he would support an increase for the Mayor only. The Mayor felt that this was not the right time for the increase because of economic downturn and loss of jobs.

*Recorded Vote on the Motion:*

*Aye: Houghland, Tabb*

*No: Haulman, Scruggs, Zeidler*

The Motion Failed.

### **NEW BUSINESS**

#### **Appointments to Boards and Commissions**

Mayor Zeidler said that appointments would be discussed during closed session.

### **OPEN FORUM**

Mayor Zeidler opened the comment session.

No one wished to speak. The session was closed.

**CLOSED SESSION**

Mr. Houghland Moved that City Council go into Closed Session pursuant to Section 2.2-3711 of the Code of Virginia for the purpose of discussing one personnel matter per subparagraph 1 concerning appointments to Boards and Commissions, and one property matter per subparagraph 3, regarding acquisition of property for watershed protection of which discussion in an open meeting would adversely affect bargaining or negotiation strategy of public body. The Motion Was Seconded by Mr. Tabb.

Recorded Vote on the Motion:

Aye: Haulman, Scruggs, Zeidler, Tabb, Houghland

No: None

The meeting adjourned at 4:34 p.m. (Mayor Zeidler called a five-minute recess.)

At 4:58 p.m., Council met in Open Session.

Mr. Houghland Moved the Certification of Closed Meeting. The Motion was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Haulman, Zeidler, Scruggs, Tabb, Houghland

No: None

**CERTIFICATION OF CLOSED MEETING**

Date: October 9, 2003

Motion: Mr. Houghland Second: Mr. Tabb

WHEREAS, the City Council of the City of Williamsburg has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the City Council that such meeting was conducted in conformity with Virginia Law.

NOW, THEREFORE, BE IT RESOLVED that the City Council of Williamsburg hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed session were heard, discussed or considered by the City of Williamsburg.

VOTE:

Aye: Haulman, Scruggs, Zeidler, Tabb, Houghland

No: None

Absent During Vote: None

Absent During Meeting: None

## **OPEN SESSION**

### **Attendance at Neighborhoods Council**

Council members and the City Attorney discussed attendance at the Neighborhood Council meeting. When Council members attend, they are representing their neighborhoods—not City Council, although citizen perception may be that they are representing Council. The Mayor noted that she regularly attends. Mr. Scruggs said he also enjoyed attending the meetings.

Mr. Phillips cautioned that more than one Council member attending at the same time would violate the Freedom of Information Act. The Mayor offered to be the Council's representative to attend Neighborhood Council meetings because she normally attends.

### **City Council Committees**

Council members concurred that "Update--Boards and Committees" be added as a work session agenda item each month, to allow for periodic reports from Council members about the boards and committees they serve on as a Council representative.

### **Appointments to Boards and Commissions**

*Mr. Haulman Moved That **Ms. Mariann Jelinek** be Appointed to the Industrial Development Authority, Effective Immediately, to Serve the Unexpired Term of Mr. Robert Bond, for a Term to Expire June 8, 2006.*

*Recorded Vote on the Motion:*

*Aye: Haulman, Scruggs, Zeidler, Houghland, Tabb*

*No: None*

*Mr. Tabb Moved That Mayor Zeidler be Appointed As Council's Representative to the Neighborhood Council. The Motion Was Seconded by Mr. Haulman.*

*Recorded Vote on the Motion:*

*Aye: Haulman, Scruggs, Zeidler, Tabb*

*No: Houghland*

Council members directed the Clerk of Council to advertise for applicants to the Williamsburg School Board and Planning Commission. In accordance with Council's policy, they will conduct interviews for appointment to the two bodies.

The meeting adjourned at 5:15 p.m.

Approved: November 13, 2003

Shelia Y. Crist

Jeanne Zeidler